



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/299,859 04/26/99 ELLIOTT

R QTL-00800

┌

PM82/0927

└

EXAMINER

HEWITT, J

JONATHAN O OWENS
HAVERSTOCK & OWENS LLP
260 SHERIDAN AVENUE STE 420
PALO ALTO CA 94306

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 09/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/299,859

Applicant(s)
Elliott et al

Examiner
James Hewitt

Group Art Unit
3628



☒ Responsive to communication(s) filed on 13 Jul 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 24-45 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 24-45 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3628

DETAILED ACTION

Claim Objections

1. Claim 32 is objected to because of the following informalities: line 3, "coupling with" should be --coupled to-- and line 4, "into" should be --to form-- and line 5, "that removably couples" should be --removably coupled--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 39-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 39 it is stated that each of the rail sections are connected to one another. This is misleading and confusing, as each are connected to a corner connector. The language in the claim should be edited to accurately represent the invention.

Claim 44 line 2, in both instances "flexible" should be replaced with --rectangular--.

Art Unit: 3628

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (US 5,003,649) in view of Gilfillan (US 2,670,478).

Kelly teaches a nestable cot (C1) having a web of material on which the occupant of the cot can lay. The web is attached to a frame (F) which includes a plurality of rods (R1-R4) one of which extends along each side of the web. The material along each side and end of the web is folded back over on itself to form an open selvage with the two layers sewn together to form sleeves (S1-S4). End connectors are provided for connecting respective ends of adjacent rods to interconnect the rods and complete the frame. The frame is assembled without the use of tools. Each connector includes an elongate housing (7) having an opening (25, 27) at each end in which respective ends of adjacent rods are received. The cot is supported in an elevated position by a pedestal (33) formed intermediate the length of the housing. A pad (79) is attachable to the bottom of the pedestal to provide a greater height to the pedestal and to create greater clearance between the cots when stacked. Kelly does not teach that the web of material includes a detachable fastener for removably and selectively coupling the material to the frame. Gilfillan teaches a collapsible cot having a frame with a plurality of tubes which are joined by corner

Art Unit: 3628

pieces including legs end caps. The material on which a person is to lay is a heavy textile fabric, like canvas. At each side and one end, seams are sewn by folding the canvas over itself to form channels in which the tubes are received. The other end includes grommets and is attached to the associated end tube by a sash cord. This fastening means is not of the hook and loop type, however is just as conventional. Moreover, on pages 6 and 7 of the specification of the instant invention, "In alternative embodiments, as should be apparent to those skilled in the art, different types of appropriate detachable fasteners such as zippers, snaps, quick-releases and the like can be utilized in place of the interlocking hook and loop fabric..." In view of the teaching of Gilfillan, it would have been obvious to the skilled artisan at the time of the invention to modify one end of Kelly's cot with a detachable fastener assembly in order to provide quicker disassembly of parts.

Response to Arguments

6. Applicant's arguments filed 7/13/00 have been fully considered but they are not persuasive. The claims stand rejected under 35 USC 103(a) as being unpatentable over Kelly ('649) in view of Gilfillan ('478). Applicant argues "Neither Kelly, Gilfillan nor their combination teach or suggest the use of a detachable fastener to secure a flexible support to a cot frame, wherein the detachable fastener wraps around a rail section to form a sleeve around the rail section." The Examiner acknowledges this argument however still maintains that Gilfillan's teaching of the use of a detachable fastener at one end of a cot structure in combination with the

Art Unit: 3628

cot of Kelly is sufficient to render the claimed invention unpatentable. Employing a different type of conventional fastener in this instance is not deemed novel, especially since the specification of the present invention states "In alternative embodiments, as should be apparent to those skilled in the art, different types of detachable fasteners such as zippers, snaps, quick releases and the like can be utilized in place of the interlocking hook and loop fabric."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brown (US 6,092,769) discloses the use of a wrap around hook and loop fastener with a portable and collapsible cradle.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


Art Unit: 3628

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hewitt whose telephone number is (703) 305-0552. The fax number is (703) 305-3597/8. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

JMH

9/24/00


TERRY LEE MELIUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600